IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

CRIMINAL MISC.APPLICATION No. 1358 of 2004

For Approval and Signature:

HONOURABLE MR.JUSTICE P.B.MAJMUDAR

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1 Whether Reporters of Local Papers may be allowed to see the judgment ?

2 To be referred to the Reporter or not ?

3 Whether their Lordships wish to see the fair copy of the judgment ?

4 Whether this case involves a substantial question of law as to the interpretation of the constitution of India, 1950 or any order made thereunder ?

5 Whether it is to be circulated to the civil judge ?

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G.B.MAMRA FACTORY, A PARTNERSHIP FIRM, AND OTHERS
Versus
STATE OF GUJARAT AND OTHERS

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Appearance :
MR NV GANDHI for Applicants.
MR PRADIP BHATE, APP for Respondent No. 1.
MR HARSHADRAY A DAVE for Respondent Nos. 2 - 3.

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CORAM : HONOURABLE MR.JUSTICE P.B.MAJMUDAR

Date : 06/02/2006

ORAL JUDGMENT

By filing this application, the applicants have prayed that complaint at annexure-A may be quashed. The aforesaid complaint is filed by the complainant before learned Judicial Magistrate, First Class,

Bardoli, which is registered as Inquiry Case No.94/2003. Aforesaid complaint is filed under Section 406, 409, 420 read with Section 120-B of the Indian Penal Code. In the aforesaid case, learned Magistrate passed an order of police inquiry under Section 156 (3) of the Criminal Procedure Code.

It is pointed out by learned advocates appearing for accused as well as the complainant that after investigation police has submitted C-Summary report.

In that view of the matter, it is not necessary to quash the police investigation, which is undertaken by the police on the basis of the order passed by learned Magistrate under Section 156 (3) of the Criminal Procedure Code and this application has become infructuous. Therefore, this application is disposed of as having become infructuous. Rule is discharged. Interim relief stands vacated. In case, C-Summary is not accepted by the learned Magistrate, it will be open for the applicants to file fresh petition in accordance with law.

(P.B.MAJMUDAR, J.)

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